

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: June 25, 2025 1:50 p.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 18 OF THE CITY CODE, ENTITLED "BUSINESSES," BY CREATING ARTICLE XX, ENTITLED "POLICE COST RECOVERY," BY CREATING SECTION 18-950 THEREOF, ENTITLED "RECOVERY OF COSTS FOR FAILURE OF RESPONSIBLE PERSON TO APPEAR ON BEHALF OF BUSINESS," BY AUTHORIZING THE RECOVERY OF ALL COSTS, OR A MINIMUM SERVICE FEE IN LIEU OF THE RECOVERY OF ALL COSTS, INCURRED BY THE CITY'S POLICE DEPARTMENT UNDER CIRCUMSTANCES IN WHICH A CRIMINAL PROSECUTION IS NOLLE PROSSED, ABANDONED, DISMISSED, OR OTHERWISE UNSUCCESSFUL AS A DIRECT RESULT OF THE FAILURE OF A RESPONSIBLE PERSON TO APPEAR IN COURT PROCEEDINGS ON BEHALF OF THE OWNER OR OPERATOR OF A BUSINESS ESTABLISHMENT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

Click or tap here to enter text.

BACKGROUND/HISTORY

ANALYSIS

The proposed Ordinance, sponsored by Commissioner Tanya K. Bhatt, has been submitted for consideration by the Mayor and City Commission.

The Miami Beach Police Department ("Police Department") frequently responds to reports of retail theft, assault, battery, and other criminal incidents involving, or occurring on the premises of, various business establishments in the City. In many such cases, the Police Department conducts investigations, makes arrests, and prepares criminal cases for prosecution, incurring valuable Police Department time and resources.

Nonetheless, successful prosecution of these cases often requires the cooperation and court appearance by a responsible person or authorized representative of the business establishment to testify or provide necessary documentation. However, it is a recurring problem that some business establishments fail to ensure the appearance of a responsible person in court proceedings, resulting in the nolle prosequing, abandonment, dismissal, or otherwise unsuccessful prosecution of these criminal cases. Regrettably, such failures undermine the City's law enforcement efforts and lead to the waste of public resources, demoralize MBPD officers, and frustrate the City's ability to ensure accountability for criminal activity.

Accordingly, the proposed Ordinance would authorize the recovery of all costs incurred by the Police Department in connection with such unsuccessful prosecutions or, in the alternative, impose a minimum service fee of \$250, in order to offset the public burden caused by the non-cooperation of businesses. This measure is a reasonable and necessary exercise of the City's home rule authority, preserves limited public resources, and is in the best interest of the health, safety, and welfare of the residents and visitors of the City of Miami Beach.

FISCAL IMPACT STATEMENT

Cost recovery for police services shall be assessed against any business that fails to send a responsible person to Court proceedings and, as a direct result, the criminal case is nolle prossed, abandoned, dismissed, or otherwise unsuccessful due to no such person appearing to represent the business in the Court proceedings.

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner Tanya K. Bhatt

Co-sponsor(s)

Condensed Title

1:50 p.m. 1st Rdg PH, Police Cost Recovery for Business Failure to Appear. (Bhatt) CA

Previous Action (For City Clerk Use Only)